

PAGE 2 OF 2 OF ORDINANCE NO. 96-19

Section 16.12 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 16.12 MILITARY LEAVE

All officers and employees of the State of Alabama, or of any county, municipality or other agency or political subdivision thereof, who shall be active members of the Alabama National Guard, naval militia or the Alabama state guard organized in lieu of the national guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they shall be engaged in field or coast defense, other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation or sick leave; no person granted such leave of absence with pay shall be paid for more than one hundred sixty-eight (168) working hours per calendar year, and such persons shall be entitled, in addition thereto, to be paid for no more than one hundred sixty-eight (168) working hours at any one time while called by the governor to duty in the active service of the state.

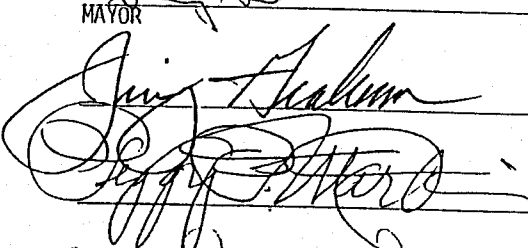
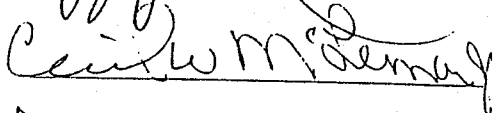

The employee shall be required to submit an order or statement from the appropriate military commander as evidence of such duty. Such order or statement must accompany the formal request for military leave to his/her department head and must be approved by the City Manager before payment can be made.

BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

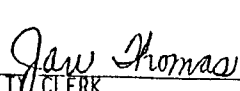
THIS ORDINANCE IS EFFECTIVE THE FIRST DAY OF OCTOBER, 1996.

PASSED, APPROVED AND ADOPTED this 17th day of September, 1996.


MAYOR




MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

ORDINANCE NO. 96-23

AN ORDINANCE TO AMEND SECTION 4.09, SECTION 4.10, SECTION 16.03, AND SECTION 16.12 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 4.09 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.09 ANNIVERSARY DATES

For the purpose of longevity, the employee's anniversary date shall be the effective date of the initial appointment to full-time employment status to City Service.

For the purposes of salary increases, the anniversary date shall be October 1 of each year following the effective date of the initial appointment to full-time employment status in City Service.

Section 4.10 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.10 MERIT INCREASES

Pay steps within a salary range are established to allow a means of rewarding an employee for merit, to encourage long-term careers with the city, to provide employee incentive, and to recognize individual differences in job performance. Increases within the salary schedule are not automatic.

Merit increases will be effective beginning the pay period on or near the anniversary date of October 1 of each year as set by City Council. An employee may be advanced to the next pay step or, in exceptional cases, to a higher step; increases will be based on job performance as appraised by the appropriate department head.

Section 16.03 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:


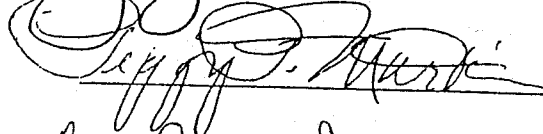
SECTION 16.03 COMPENSATION FOR OVERTIME

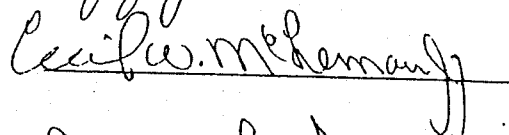
- A. The term overtime is defined as hours worked in excess of the regular scheduled workday in a forty (40) hour, seven (7) day workweek, except for police and fire services. In these services, overtime will be governed according to hours worked over the maximum in a work period allowed by the Fair Labor Standards Act. By definition, work periods are as follows:

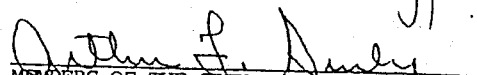
Work period (days)	Maximum hours standards	
	Fire protection	Law enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

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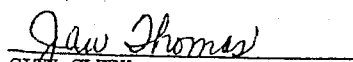

MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

ORDINANCE NO. 2003-36

AN ORDINANCE TO AMEND SECTION 4.10 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

BE IT ORDAINED BY THE City Council of Phenix City, Alabama as follows:

Section 4.10 of the Merit system Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 4.10 MERIT INCREASES

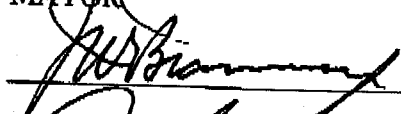
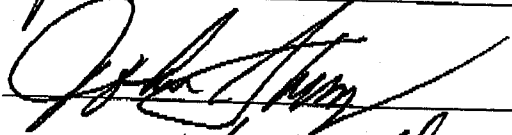
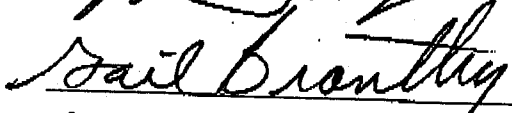

Pay steps within a salary range are established to allow a means of rewarding an employee for merit, to encourage long-term careers with the city, to provide incentive, and to recognize individual differences in job performance. Increases within the salary schedule are not automatic.

Merit increases will be effective beginning the pay period on or near the anniversary date of October 1 of each year as set by City Council. An employee may be advanced to the next pay step or, in exceptional cases, to a higher pay step; increases will be based on job performance as appraised by the appropriate department head.

Only under special circumstances and with the approval of the City Manager will merit increases be awarded to employees hired during the last quarter of the fiscal year.

PASSED, APPROVED and ADOPTED this 18th day of November, 2003.


MAYOR





MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

4.11 ADMINISTRATIVE AND TECHNICAL SALARIES

Positions included in the Administrative and Technical salary schedule which are assigned to the Classified Service shall have their salaries established by the City Manager or appropriate appointing authority.

4.12 WAGES DUE DECEASED EMPLOYEE

In case of death of an employee where no beneficiary has been named, the city shall pay any wages or expenses that may be due to employee at the time of death to the spouse, children, and relatives in the manner prescribed by state law.

4.13 GARNISHMENT OF WAGES

Writ of attachment or garnishment or other process issued from any of the courts to attach or delay the payment of any money or other things due to any person who is the head of a family residing in this state, when the money or other thing is due for their personal labor or services of such person, shall be made in accordance with applicable Alabama State laws.

4.14 TEMPORARY WORK AT A HIGHER CLASSIFICATION

An employee may be required to work in a higher classification on a temporary, incidental or emergency basis and, if for less than 30 working days, shall do so at no increase in pay. If the employee is required to perform the duties for a period exceeding 30 working days, the Personnel Director shall give the employee a temporary transfer to the higher classification and the employee shall be paid the appropriate rate for the higher classification. At the conclusion of the assignment the employee's pay shall revert to the authorized rate established for his regular position, and any such temporary increase granted shall not affect the employee's eligibility for normal merit advancements on his anniversary date.

4.15 BUDGET LIMITATIONS

All actions concerned with the payment of salaries in accordance with these rules and regulations are subject to availability of adequate funds.

4.16 BENEFITS AND SERVICES

- Amended by Ord. # 97-31*
" " Ord. # 98-02
" " Ord. # 2000-16
Amended by Ord. # 2004-11
" " 2006-20
- A. Leave and Holidays - (Refer to Sections 16.04 - 16.12)
 - B. Life Insurance - The city will provide a \$5,000 term life insurance policy after 12 months of service for each regular and probationary full-time employee to a named beneficiary. Assignments will not be accepted.
 - C. Health Insurance - After 3 months of employment the city will offer regular full-time and regular probationary employees health and dental insurance at no cost to employees. Dependent coverage will be offered, however the employee will contribute 100 percent of the cost.

The City of Phenix City will pay the individual health insurance premiums on an employee for a period of six months after the employee has exhausted all annual and sick leave benefits. After this time, if the employee wishes to remain on the

group policy, it will be their responsibility to reimburse the City for the cost of this premium prior to the billing due date for the group.

- D. Retirement Plan - The city will offer retirement benefits through the Retirement Systems of Alabama to regular and probationary full-time employees or as required by the Retirement Systems of Alabama. Members of the system will contribute five percent of their pay, and the city will contribute the prescribed amount. Employees may retire at age 60 with 10 years of service or at any age with 25 years of service.
- E. Retirement Plan for Police and Fire - The city will offer police officers and firefighters a city retirement plan. Members of the plan will contribute 8 percent of their pay, and the city will contribute the prescribed amount. Refer to Fireman's and Policeman's Pension Relief Fund Bill for specific rules and regulations of this plan.
- F. Credit Union - The city may provide a full service credit union with procedures for payroll deductions.
- G. Deferred Income - The city may arrange tax shelters for employees who participate in retirement and insurance programs made available by the city in accordance with current regulations of the Internal Revenue Service.
- H. Employee Assistance - The city may arrange through local medical and mental health care providers a means by which city employees can address alcohol, drug, and mental health problems. To the extent possible, the cost of these programs will be paid by insurance carriers.
- G. Saving Deduction - Available through a local bank.

ORDINANCE NO. 97-31

AN ORDINANCE TO AMEND SECTION 2.057, SECTION 4.16, SECTION 16.04, SECTION 16.10, AND SECTION 17.03 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

SECTION 2.057 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 2.057 THE RIGHT TO PRIVACY

The city will conduct workplace searches only on the basis of reasonable suspicion that a prohibited activity may be taking place. However, all employees are subject to post-accident, random and reasonable cause drug and/or alcohol testing.

Section 4.16 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 4.16 BENEFITS AND SERVICES

- A. Leave and Holidays - (Refer to Sections 16.04 - 16.12)
- B. Life Insurance - The city will provide a \$5,000 term life insurance policy to a named beneficiary after 12 months of service for each regular and probationary full-time employee. Assignment will not be accepted.
- C. Health Insurance - The first of the month following three (3) months of employment, the city will offer regular full-time and regular probationary employees health and dental insurance at no cost to the employee. Dependent coverage will also be offered, however, the employee will contribute 100 percent of the cost.

The City of Phenix City will pay the individual health insurance premiums on an employee for a period of six months after the employee has exhausted all annual and sick leave benefits. After this time, if the employee wishes to remain on the group policy, it will be their responsibility to reimburse the City for the cost of this premium prior to the billing due date for the group.

- D. Retirement Plan - The city will offer retirement benefits through the Retirement Systems of Alabama to regular and probationary full-time employees or as required by the Retirement Systems of Alabama. Members of the system will contribute five percent of their earnings, and the city will contribute the prescribed amount. Employees may retire at age 60 with 10 years of service or at any age with 25 years of service.
- E. Credit Union - The city may provide a full-service credit union with procedures for payroll deductions.
- F. Deferred Compensation - The city may arrange tax shelters for employees who participate in retirement and insurance programs made available by the city in accordance with current regulations of the Internal Revenue Service.
- G. Employee Assistance - The city may arrange through medical and mental health abuse providers a means by which employees can address substance abuse and mental health problems. To the extent possible, the cost of these programs will be paid by insurance carriers.

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II. Savings Deduction - Available through a local bank.

Section 16.04 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 16.04 HOLIDAYS

The following holidays shall be observed by the city:

January 1	New Year's Day
Third Monday in January	Martin Luther King, Jr. Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
November 11	Veterans Day
Fourth Thursday in November	Thanksgiving Day
Fourth Friday in November	Friday after Thanksgiving
December 24	Christmas Eve
December 25	Christmas Day

- A. Regular permanent full-time and probationary full-time employees will receive 8 hours off or 8 hours pay per holiday. All holidays earned must be taken as time off or paid in the same pay period as earned.
- B. An employee must be on active pay status or work the normal schedule of hours, both on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the holiday time, except where absence is authorized in accordance with the Merit System rules and regulations.
- C. Employees who are required by their supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday time. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with holiday time for that day.
- D. If the holiday falls during an employee's scheduled vacation, the employee will be charged with holiday time for that day.
- E. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. Monday shall be designated a substitute holiday and shall be observed as the official holiday when a holiday falls on a Sunday. This shall not apply to shift employees.
- F. Employees assigned and scheduled to work on a holiday, and who in fact do work, shall receive their pay for that day plus eight (8) hours pay for the holiday.
- G. Employees on jury duty, sick leave, funeral leave, or annual military leave must use the holiday on the same day that it is earned.
- II. If a holiday falls on an employee's regular day off, one day of holiday pay shall be paid in accordance with (A) of this section.
 - I. Under no circumstances shall time and one-half be paid for a holiday.
 - J. Permanent part-time, temporary part-time, temporary full-time, and provisional employees shall not earn paid holiday time.
 - K. The City Manager will determine when any department or operation will be closed in observance of a holiday.

PAGE 3 OF 5 OF ORDINANCE NO. 97-31

Section 16.10 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 16.10 LEAVES OF ABSENCE - SICK LEAVE

Regular permanent full-time and probationary full-time employees shall earn eight (8) hours sick leave for each 174 regularly scheduled work hours on active pay status.

Fire Department employees working on a 24/48 hour shift shall earn eight (8) hours sick leave for each 230 regularly scheduled work hours on active pay status.

- A. Unused sick leave may be accrued based on the scheduled work week. There is no maximum on sick leave accrual.
- B. An employee incapacitated and unable to work shall notify his/her immediate supervisor at least thirty (30) minutes before his scheduled reporting time, when reasonably possible, to allow for the rescheduling of responsibilities. Daily notification must be received by the supervisor for short term illness (one week or less). Periodic notification and/or medical certification will be required for a longer illness.
- C. The city reserves the right to require an employee to provide medical certification upon request concerning the nature and extent of any illness or injury that causes an employee to be absent from work.
- D. Upon termination of employment, no payment shall be made for unused sick leave.

Regular attendance of each employee is important to the operation of the city. However, the city recognizes there are times when an employee may need to be absent from work. In order to help employees maintain their income during authorized absences, sick leave may be granted for the following purposes.

- 1. Personal injury or illness not related to work, exposure to a contagious disease which would endanger others, or the first three days following a worker's compensation injury provided such injury dictates absence.
- 2. Necessary employee appointments with physicians or dentists.
- 3. Absences due to illness or injury of an immediate family member limited to 24 hours per fiscal year. The city reserves the right to require an employee to provide medical certification upon request concerning the nature and extent of the immediate family members illness or injury that causes the employee to be absent from work. In the event an employee takes days off under this provision and the same is ascertained to be false, unsubstantiated by requested proof, then such employee shall be subject to immediate discharge and shall not be entitled to any allowance whatsoever.
- 4. Absences due to death in the immediate family of the employee. (See section 16.11)
- 5. The city does recognize problems employees have in scheduling appointments to take care of personal needs. As a result, the city will grant each employee up to eight hours of personal leave per fiscal

year. When such time is required, for example, to meet with a teacher, lawyer, loan officer, mechanic, home repair person, etc., the employee will notify his immediate supervisor as far in advance as possible, to see if this time can be scheduled. Unless the supervisor has a very difficult scheduling problem, the time off will be granted. Employees must have sick time accrued to utilize this personal time.

It should be clearly understood that each employee is not being given eight hours of personal leave nor should it be so considered. It is provided to enable an employee to take care of legitimate needs.

Personal leave shall generally be limited to a 2 or 3 hour time period. However, for exceptional cases, and with the approval of the department head, the time period may be longer.

- E. Sick leave shall not be granted for nursing service of the employee's family (beyond the 24 hour allowance) when such service can be supplied by others on a paid or unpaid basis, day care for the employee's children, housekeeping services, or in place of annual leave.
- F. After completion of six months of continuous service, the employees shall be eligible to use such leave as earned, subject to the provisions of these rules.
- G. An employee making a departmental transfer will retain any credited unused sick leave.
- H. Accumulated sick leave may be used for meeting length of service required for service retirement eligibility if allowed by Retirement Plan.
- I. Absences due to sickness, injury, personal leave or family illness which extend beyond an employee's sick leave and/or allowances, will be charged to annual leave. If no annual leave exists, the absence is leave without pay. (See section 16.15)

Section 17.03 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 17.03 DRUG TESTING

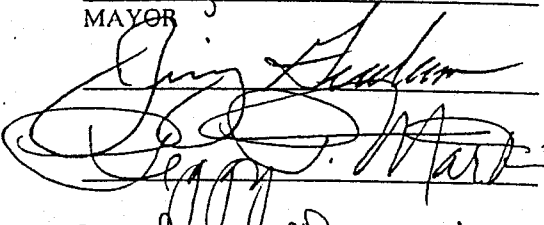
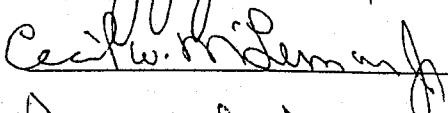
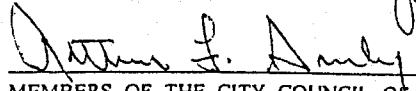
All city employees will be subject to random drug testing; such testing will be on a random basis both in frequency and in selection of employees to be tested. Random testing shall be permitted for any employee upon reasonable suspicion.

BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

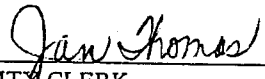
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PASSED, APPROVED AND ADOPTED this 16th day of September, 1997.


MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

ORDINANCE NO. 98-02

AN ORDINANCE TO AMEND SECTION 4.16, SECTION 16.04, AND SECTION 16.10 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

SECTION 4.16 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 4.16 BENEFITS AND SERVICES

- A. Leave and Holidays - (Refer to Sections 16.04 - 16.12)
- B. Life Insurance - The city will provide a \$10,000 term life insurance policy to a named beneficiary after 12 months of service for each regular and probationary full-time employee. Assignment of benefits is allowed with written consent of designated beneficiary.
- C. Health Insurance - The first of the month following three (3) months of employment, the city will offer regular full-time and regular probationary employees health and dental insurance at no cost to the employee. Dependent coverage will also be offered, however, the employee will contribute 100 percent of the cost. *Amendment 2004-11 follows*

The City of Phenix City will pay the individual health insurance premiums on an employee for a period of six months after the employee has exhausted all annual and sick leave benefits. After this time, if the employee wishes to remain on the group policy, it will be their responsibility to reimburse the City for the cost of this premium prior to the billing due date for the group.

- D. Retirement Plan - The city will offer retirement benefits through the Retirement Systems of Alabama to regular and probationary full-time employees or as required by the Retirement Systems of Alabama. Members of the system will contribute five percent of their earnings, and the city will contribute the prescribed amount. Employees may retire at age 60 with 10 years of service or at any age with 25 years of service.
- E. Credit Union - The city may provide a full-service credit union with procedures for payroll deductions.
- F. Deferred Compensation - The city may arrange tax shelters for employees who participate in retirement and insurance programs made available by the city in accordance with current regulations of the Internal Revenue Service.
- G. Employee Assistance - The city may arrange through medical and mental health abuse providers a means by which employees can address substance abuse and mental health problems. To the extent possible, the cost of these programs will be paid by insurance carriers.
- H. Savings Deduction - Available through a local bank.

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Section 16.04 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 16.04 HOLIDAYS

The following holidays shall be observed by the city:

January 1	New Year's Day
Third Monday in January	Martin Luther King, Jr. Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
November 11	Veterans Day
Fourth Thursday in November	Thanksgiving Day
Fourth Friday in November	Friday after Thanksgiving
December 24	Christmas Eve
December 25	Christmas Day

- A. Regular permanent full-time and probationary full-time employees will receive 8 hours off or 8 hours pay per holiday. All holidays earned must be taken as time off or paid in the same pay period as earned.
- B. An employee must be on active pay status or work the normal schedule of hours, both on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the holiday time, except where absence is authorized (i.e., vacation, sick time) in accordance with the Merit System rules and regulations. Holidays are not compensable for employees receiving worker's compensation.
- C. Employees who are required by their supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday time. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with holiday time for that day.
- D. If the holiday falls during an employee's scheduled vacation, the employee will be charged with holiday time for that day.
- E. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. Monday shall be designated a substitute holiday and shall be observed as the official holiday when a holiday falls on a Sunday. This shall not apply to shift employees.
- F. Employees assigned and scheduled to work on a holiday, and who in fact do work, shall receive their pay for that day plus eight (8) hours pay for the holiday.
- G. Employees on jury duty, sick leave, funeral leave, or annual military leave must use the holiday on the same day that it is earned.
- H. If a holiday falls on an employee's regular day off, one day of holiday pay shall be paid in accordance with (A) of this section.
- I. Under no circumstances shall time and one-half be paid for a holiday.
- J. Permanent part-time, temporary part-time, temporary full-time, and provisional employees shall not earn paid holiday time.
- K. The City Manager will determine when any department or operation will be closed in observance of a holiday.

PAGE 3 OF 5 OF ORDINANCE NO. 98-02

Section 16.10 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 16.10 LEAVES OF ABSENCE - SICK LEAVE

Regular permanent full-time and probationary full-time employees shall earn eight (8) hours sick leave for each 174 regularly scheduled work hours on active pay status.

Fire Department employees working on a 24/48 hour shift shall earn eight (8) hours sick leave for each 230 regularly scheduled work hours on active pay status.

- A. Unused sick leave may be accrued based on the scheduled work week. There is no maximum on sick leave accrual.
- B. An employee incapacitated and unable to work shall notify his/her immediate supervisor at least thirty (30) minutes before his scheduled reporting time, when reasonably possible, to allow for the rescheduling of responsibilities. Daily notification must be received by the supervisor for short term illness (one week or less). Periodic notification and/or medical certification will be required for a longer illness.
- C. The city reserves the right to require an employee to provide medical certification upon request concerning the nature and extent of any illness or injury that causes an employee to be absent from work.
- D. Upon termination of employment, no payment shall be made for unused sick leave.

Regular attendance of each employee is important to the operation of the city. However, the city recognizes there are times when an employee may need to be absent from work. In order to help employees maintain their income during authorized absences, sick leave may be granted for the following purposes.

- 1. Personal injury or illness not related to work, exposure to a contagious disease which would endanger others, or the first three days following a worker's compensation injury provided these days are regularly scheduled workdays and provided said injury dictates absence. No sick time compensation will be allowed for an on-the-job injury once worker's compensation begins payment.
- 2. Necessary employee appointments with physicians or dentists.
- 3. Absences due to illness or injury of an immediate family member limited to 24 hours per fiscal year. The city reserves the right to require an employee to provide medical certification upon request concerning the nature and extent of the immediate family members illness or injury that causes the employee to be absent from work. In the event an employee takes days off under this provision and the same is ascertained to be false, unsubstantiated by requested proof, then such employee shall be subject to immediate discharge and shall not be entitled to any allowance whatsoever.
- 4. Absences due to death in the immediate family of the employee. (See section 16.11)

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5. The city does recognize problems employees have in scheduling appointments to take care of personal needs. As a result, the city will grant each employee up to eight hours of personal leave per fiscal year. When such time is required, for example, to meet with a teacher, lawyer, loan officer, mechanic, home repair person, etc., the employee will notify his immediate supervisor as far in advance as possible, to see if this time can be scheduled. Unless the supervisor has a very difficult scheduling problem, the time off will be granted. Employees must have sick time accrued to utilize this personal time.

It should be clearly understood that each employee is not being given eight hours of personal leave nor should it be so considered. It is provided to enable an employee to take care of legitimate needs.

Personal leave shall generally be limited to a 2 or 3 hour time period. However, for exceptional cases, and with the approval of the department head, the time period may be longer.

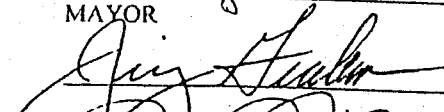

- E. Sick leave shall not be granted for nursing service of the employee's family (beyond the 24 hour allowance) when such service can be supplied by others on a paid or unpaid basis, day care for the employee's children, housekeeping services, or in place of annual leave.
- F. After completion of six months of continuous service, the employees shall be eligible to use such leave as earned, subject to the provisions of these rules.
- G. An employee making a departmental transfer will retain any credited unused sick leave.
- H. Accumulated sick leave may be used for meeting length of service required for service retirement eligibility if allowed by Retirement Plan.
- I. Absences due to sickness, injury, personal leave or family illness which extend beyond an employee's sick leave and/or allowances, will be charged to annual leave. If no annual leave exists, the absence is leave without pay. (See section 16.15)

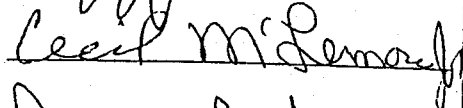
BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.


PAGE 5 OF 5 OF ORDINANCE NO. 98-02

PASSED, APPROVED AND ADOPTED this 20th day of January, 1998.

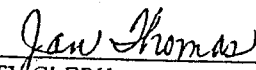

MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

ORDINANCE NO. 2000-16

AN ORDINANCE TO AMEND SECTION 4.16 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 4.16 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 4.16 BENEFITS AND SERVICES

- A. Leave and Holidays - (Refer to Sections 16.04 - 16.12)
- B. Life Insurance - The city will provide a \$10,000 term life insurance policy to a named beneficiary after 12 months of service for each regular and probationary full-time employee. Assignment of benefits is allowed with written consent of designated beneficiary.
- C. Health Insurance - The first of the month following three(3) months of employment, the city will offer regular full-time and regular probationary employees health and dental insurance at no cost to the employee. Dependent coverage will also be offered, however, the employee will contribute 100 percent of the cost.

The City of Phenix City will pay the individual health insurance premiums on an employee for a period of six months after the employee has exhausted all annual and sick leave benefits. After this time, if the employee wishes to remain on the group policy, it will be their responsibility to reimburse the City for the cost of this premium prior to the billing due date for the group.

The City shall provide regular full-time employees who retire from the city with the same health and dental insurance as provided to active regular full-time employees. Dependant coverage shall also be the offered; however, the retired employee will contribute 100 percent of the cost of the dependant's coverage. The cost for the retired employee shall be paid by the city as follows:

50% paid by the city for 10 years of service at age 60 or more.
 60% paid by the city for 15 years of service at age 60 or more.
 70% paid by the city for 20 years of service at age 60 or more.
 85% paid by the city for 25 years of service, any age.
 100% paid by the city for 30 years of service or more, any age.

It will be the responsibility of the retired employee to reimburse the city their share of the cost of the premium due prior to the billing due date for the group.

This benefit for retired employees becomes effective on July 1, 2000, and is not retroactive.

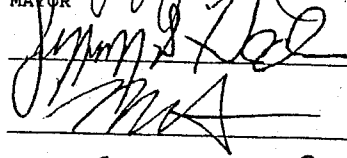
- D. Retirement Plan - The city will offer retirement benefits through the Retirement Systems of Alabama to regular and probationary full-time employees or as required by the Retirement Systems of Alabama. Members of the system will contribute five percent of their earnings, and the city will contribute the prescribed amount. Employees may retire at age 60 with 10 years of service or at any age with 25 years of service.
- E. Credit Union - The city may provide a full-service credit union with procedures for payroll deductions.
- F. Deferred Compensation - The city may arrange tax shelters for employees who participate in retirement and insurance programs made available by the city in accordance with current regulations of the Internal Revenue Service.

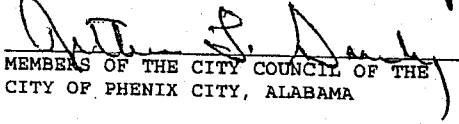
PAGE 2 OF 2 OF ORDINANCE NO. 2000-16

- G. Employee Assistance - The city may arrange through medical and mental health abuse providers a means by which employees can address substance abuse and mental health problems. To the extent possible, the cost of these programs will be paid by insurance carriers.
- H. Savings Deduction - Available through a local bank.


PASSED, APPROVED AND ADOPTED this the 6th day of June, 2000.


MAYOR


Cecil W. Mc Lemamp


MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

ORDINANCE NO. 2004-11

AN ORDINANCE TO AMEND SECTION 4.16-C OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

SECTION 4.16-C of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 4.16 BENEFITS AND SERVICES

- C. Health Insurance – The first of the month following thirty (30) days of employment, the City will offer regular full-time and regular probationary employees health and dental insurance at no cost to the employee. Dependent coverage will also be offered, however, the employee will contribute 100 percent of the cost.

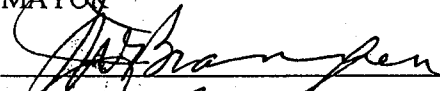
When an employee is on leave without pay the City of Phenix City will pay the individual health insurance premiums on an employee for a period of six months after the employee has exhausted all annual and sick leave benefits. After this time, if the employee wishes to remain on the group policy, it will be their responsibility to reimburse the City for the cost of this premium prior to the billing due date for the group. If premium is not paid by the due date a notice will be sent to the employee. If premium is not paid by the 25th of the following month, coverage will be discontinued.

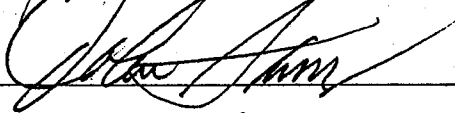
BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its adoption and publication as required by law and effective for all employees hired on or after such date.

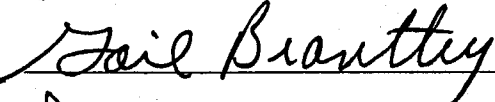
BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

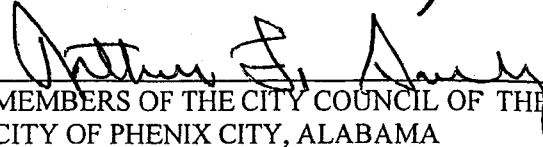
PASSED, APPROVED and ADOPTED, this 20th day of April, 2004.


MAYOR








MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

*Superior
rules
Approved
06-06-06*

ORDINANCE NO. 2006- 20

AN ORDINANCE TO AMEND SECTION 4.16-C OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

Be it ordained by the City Council of the City of Phenix City, Alabama:

That the Merit System Rules and Regulations of the City of Phenix City, Alabama, Section 4.16-C is hereby amended as follows:

Section 4.16 BENEFITS AND SERVICES

- C. Health Insurance – The first of the month following thirty (30) days of employment, the city will offer regular full-time and regular probationary employee health and dental insurance at no cost to the employee. Dependent coverage will also be offered. The city will pay one-half of the cost and the employee will contribute one-half of the cost of dependent coverage.

When an employee is on leave without pay the City of Phenix City will pay the individual health insurance premiums as well as one-half of the dependent coverage on an employee for a period of six months after the employee has exhausted all annual and sick leave benefits. After this time, if the employee wishes to remain on the group policy, it will be their responsibility to reimburse the City for the cost of this premium prior to the billing due date for the group. If premium is not paid by the 25th of the following month, coverage will be discontinued.

The City shall provide regular full-time employees who retire from the City with the same health and dental insurance as provided to active regular full-time employees. Dependent coverage shall also be offered, however, the retired employee will contribute 100 percent of the cost of the dependent's coverage. The cost for the retired employee shall be paid by the City as follows:

- 50% paid by the City for 10 years of service at age 60 or more.
- 60% paid by the City for 15 years of service at age 60 or more.
- 70% paid by the City for 20 years of service at age 60 or more.
- 85% paid by the City for 25 years of service, any age.
- 100% paid by the City for 30 years of service or more, any age.



It will be the responsibility of the retired employee to reimburse the City their share of the cost of the premium due prior to the billing due date for the group.

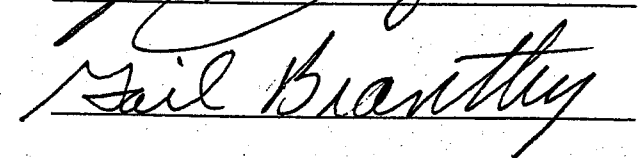
BE IT FURTHER ORDAINED that this ordinance shall become effective July 1, 2006.

BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.


PASSED, APPROVED and ADOPTED this 6th day of June, 2006.



MAYOR



ATTEST:


CITY CLERK


MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

RECRUITING

SECTION 5

It is the policy of the city to attract a qualified and motivated pool of job applicants from which to select employees. The Personnel Director will direct the recruiting process, determine eligibility of internal applicants, and establish the boundaries of the relevant labor market for all city positions. To the extent possible the pool should contain minorities and women holding the requisite skills based on their representation in the various labor markets.

5.01 RECRUITING

The Personnel Director will establish the boundaries of the relevant labor market for all city positions. Present employees will be given priority for consideration in job openings. Eligibility requirements, job specifications, and decision rules will be made available to all internal applicants. The Personnel Director will determine eligibility of internal applicants and establish an internal hiring register. Depending on the nature of the positions, this market may be local, regional, or national.

Local - The trade and commuting area surrounding Phenix City which can be defined as being roughly bounded by the addresses of current employees.

Regional - The states of Alabama and Georgia.

National - Contiguous states and may be up to and including all of the continental United States.

Based on the relevant labor market, the Personnel Director will establish appropriate recruiting channels which include the following:

Walk-ins and write-ins - Individuals from both groups will be informed of available job openings and encouraged to apply for openings which fit their interests and abilities.

Employee referrals - Employees will be encouraged to refer job seekers to the personnel department, particularly employees holding difficult-to-find job skills and employees who are minorities and women.

State Employment Office - A current list of job openings will be furnished to the state employment office. That office will be encouraged to match job seekers with job openings.

"Grass-roots" organizations - These include churches, associations, civic organizations, clubs, etc. serving ethnic and minority groups.

Advertising - This includes position announcements in all cases, and also includes advertisements in newspapers and other media when deemed appropriate by the Personnel Director.

The Personnel Director will determine the length of the announcement period and state the closing date on the posted announcement. The closing date may be extended by the

Personnel Director if it is deemed necessary to ensure a satisfactory applicant pool from which to develop a hiring register.

5.02 RECRUITING AND UTILIZATION OF MINORITIES AND WOMEN

The Personnel Director will analyze all job categories set forth on Form EEO-4 and will determine in which, if any, categories minorities and/or women are underutilized based on the representation of qualified minorities and/or women in the relevant labor market.

In such cases the Personnel Director will make all reasonable efforts to ensure that the applicant pool is representative of minorities and women based on their availability.

Any determination of underutilization by the Personnel Director is deemed to be good faith compliance with the guidelines of the U.S Equal Employment Opportunity Commission entitled "Affirmative Action Appropriate under Title VII of the Civil Rights Act Opportunity Commission as Amended," dated January 19, 1979, and shall not be construed as an acknowledgment by the city of discrimination.

APPLICATIONS AND EXAMINATIONS

SECTION 6

It is the policy of the city that qualifications for positions be established and each applicant be examined to determine if he or she possesses the requisite qualifications. Examinations may include, but are not limited to, written, oral, physical, and performance tests and ratings of training and experience. The City Manager will ensure that a selection process is established for all applicable positions. The Personnel Director will prepare or cause to be prepared appropriate application forms and examinations, determine weighting of various selection measures, ensure non-discrimination in selection, publicly announce vacancies, administer the examination process in an impartial manner, and communicate examination results to applicants.

6.01 EXAMINATION ANNOUNCEMENTS

- A. Examinations for entry into the positions in the Competitive Division of the Merit System shall be publicized periodically by public announcement and by posting on the Personnel Division bulletin board and in other city offices where arrangements can be made by the Personnel Director. Announcements shall specify the class, title, and salary range of the class or classes for which the examination is announced; the time, place, and manner for making applications; qualification requirements for admission to the written and/or oral tests; and other pertinent information.
- B. When there is an urgent need for eligible candidates and past experience or knowledge of labor market conditions indicates a probable scarcity, applicants may be examined and certified as received, provided that there is good reason to believe that all qualified applicants will be considered for appointment. This procedure shall be known as continuous examination process. Notice of continuous examinations shall be posted on the appropriate bulletin boards and advertised periodically.

6.02 FILING OF APPLICATIONS

All applicants for positions in the Merit System shall file written applications on the form prescribed by the Personnel Director within the time limit stated in the examination announcement. Incomplete applications may be returned to the applicant with a notice to correct/amend. Amendments or corrections must be made within the time limit fixed by the Personnel Director.

6.03 EMPLOYMENT ELIGIBILITY

Open competitive examinations shall be available to all who meet the requirements as listed on the public announcement of the examination.

6.04 REJECTION OF APPLICATIONS

The Personnel Director may reject any application which indicates that the applicant does not possess one or more of the minimum qualifications as specified in the public announcement of examination. Applicants may also be rejected if they state they are unable to perform essential duties of the position even with reasonable accommodation provided, have made false statements of any material fact in the application, are addicted to or use controlled substances, have been convicted of a crime which might negatively impact job performance, or have "unsatisfactory" past employment record as determined by the Personnel Director.

6.05 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

Any examination may be postponed or cancelled at the direction of the Personnel Director. In either case, each applicant shall be notified of the postponement or cancellation and the reasons for the action.

6.06 MEDICAL EXAMINATIONS

Applicants for positions in the Merit System may be required to undergo a medical examination to determine physical and mental fitness to perform essential duties in the position, but only after an offer is made and only if other employees in the class are subject to the same requirement.

Determination of the physical or mental fitness will be made by a physician or physicians recommended by the Personnel Director and approved by the City Manager.

Applicants and eligibles with physical or mental disabilities shall be provided with reasonable accommodations to the workplace environment/demands in order to perform essential job duties. An employee determined to be physically or mentally unfit to continue in current position will be handled in accordance with Section 11.03 and Section 12.05.

6.07 OPEN COMPETITIVE EXAMINATIONS

Positions in the Competitive Division of the Merit System, when they are to be filled from outside the City Service, shall be filled through examination open to the public. All appointments to the Classified Service shall be made according to the merit and fitness of the individual. Merit and fitness shall be ascertained by the examinations which shall be prepared by or under the direction of the Personnel Director. All examinations shall be impartial and shall relate to determination of the capacity and fitness of the applicant to discharge efficiently the duties of the position.

Examinations may be assembled or un-assembled and may include, but shall not be limited to, written, oral, physical and/or performance tests; ratings of training and experience; or any combinations of these. They may take into consideration such factors as education, experience, aptitude, knowledge, physical fitness or any other qualifications or attributes which, in the judgment of the Personnel Director, enter into the determination of the relative fitness of applicants.

The identification of all persons taking the competitive written tests shall be concealed from the examiners by use of an identification number which shall be used on examination papers. This number shall be used from the beginning of the examination until all written test papers have been rated. Any papers carrying the name of the applicant or any other identification

mark, or any applicant who reveals his identification number to the Personnel Director or to any member of his staff, directly or indirectly, may be cause for disqualification; the applicant will be so notified.

A person who is unsuccessful in the competitive written test or is disqualified from an open competitive examination for a particular class may be eligible to compete in another examination for the same class after an elapsed time as determined by the Personnel Director.

6.08 METHOD OF RATING

- A. The determination of appropriate written and performance tests, the methods of evaluating experience and training, and the weights to be assigned to various parts of the examination shall be matters of cooperation between the Personnel Director and the appropriate department head, so that the examination represents a proper balance between the specialized position requirements understood by departmental personnel and the underlying legal and regulatory requirements to be maintained by Personnel Division staff.
- B. In all tests the minimum performance by which eligibility is achieved may be established by the Personnel Director. A minimum performance shall also be established for the ratings of all parts of a test which may consist of several parts. Candidates may be required to attain at least minimum performance on each part of test in order to receive a passing grade or to be rated upon the remaining parts of the test.
- C. Final examination grades shall be expressed on a 100-point scale, with 100 the maximum possible attainment and 70 the required passing grade.
- D. Final ratings of successful competitors who have attained a passing score of 69.50 or above shall be rounded off to whole numbers according to the following:

.51 and above to the next higher rating
Below .50 to the next lower rating

Example: 85.50 equals 86
85.49 equals 85

6.09 NOTIFICATION OF EXAMINATION RESULTS

Each person who takes an examination shall be given written notice as to results on such examination. Eligibles shall be advised of their score and relative position on the eligible list; however, in consideration of the factors which may change an eligible's relative standing from time to time, eligibles will not be readvised of their relative standing except in response to specific inquiry, the reply to which will indicate the standing as of a particular date.

6.10 PROMOTIONS AND PROMOTIONAL EXAMINATIONS

- A. Vacancies in higher positions in the Competitive Division of the Merit System shall be filled by promotion from lower classes whenever it is in the best interest of the city to do so.

- B. When the Personnel Director determines that there are less than three potentially qualified eligibles within the City Service, he may direct either that the competitive examination for such positions be open not only to members of the Competitive Division, but also to all other qualified persons, or, he may authorize a non-competitive promotion. (See section 5.12)
- C. When it is determined that there will be a promotional examination, the Personnel Director shall designate the lower class or classes from which the promotion is to be made and shall establish the required period of service in these classes.
- D. The Personnel Director shall conduct competitive promotional examinations and establish eligible lists in the manner provided in these rules and regulations. Certification for promotion from a competitive promotional list shall be in accordance with the provisions of these rules.
- C. All promotional examinations shall be publicized in advance of the examination by posting announcements on the prescribed bulletin boards. Copies of all such announcements will be furnished to the department affected.

6.11 UN-ASSEMBLED EXAMINATIONS

- A. Whenever the Personnel Director determines that because of the nature of the position or that possible applicants are not available in sufficient numbers to justify holding assembled examinations, he may conduct examinations for such classes on an un-assembled basis.
- B. The Personnel Director may determine that instead of numerical ratings--particularly when oral tests, qualification inquires, or personal investigations are used--eligibles will be assigned adjectival ratings. Eligibles rated in this manner will be listed in their groups alphabetically. The department head may select from each group certified without regard to an eligible's standing in his group.
- C. A person who competes in or is disqualified from an un-assembled examination for a particular class is eligible to compete in another examination for the same class after an elapsed time as determined by the Personnel Director.

6.12 UNSKILLED AND SEMI-SKILLED POSITIONS

Unskilled and semi-skilled positions may be filled after such non-competitive tests of fitness as the Personnel Director may prescribe.

6.13 INSPECTION OF PAPERS

The Personnel Director shall keep papers and other documents of candidates for examination available for their inspection for a period of thirty days after the date of the establishment of the list. Each person in an examination shall be entitled to one inspection of his grades, but examination papers shall not be open to the general public. Such inspection shall be permitted only during regular business hours and at the office of the Personnel Division. The Personnel Director may permit the extension of the period during which time papers may be inspected, but he shall not permit the inspection of test papers between the time of announcement and the holding of another test for a similar position. A manifest error in rating a test or test procedures shall be corrected if called to the attention of the Personnel Director

within the inspection period. Such corrections shall not invalidate any appointment previously made from such a list. Candidates for examinations may appeal to the Personnel Director for correction of their grades upon presentation of reasonable cause to believe that their examinations have been incorrectly rated.

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ELIGIBLE LISTS

SECTION 7

It is the policy of the city to maintain a hiring register of eligible applicants for various positions. It is the responsibility of the Personnel Director to develop and obtain approval for procedure for duration, removal of names, and restoration of names. Procedures shall be developed to ensure that employees who have been involuntarily separated without fault are given priority consideration for re-employment. This will be accomplished by establishing and maintaining a re-employment list which considers qualifications and time served in previous employment.

7.01 ESTABLISHMENT OF ELIGIBLE LISTS

The Personnel Director shall establish and maintain such eligible lists for various classes of positions as are necessary to meet the needs of the Merit System. Each such list shall contain the names of those persons who have successfully qualified in the examinations, ranked in the order of their numerical ratings. Eligible applicants attaining the same score shall be considered to have the same rank on the eligible list; they will be grouped together and listed alphabetically.

7.02 AVAILABILITY OF ELIGIBLES

It shall be the responsibility of eligibles to notify the Personnel Director in writing of any change of address or other change affecting availability of employment. Whenever eligibles submit written statements restricting the conditions under which they will be available for employment, their names may be withheld from all certification which does not meet the conditions specified.

7.03 DURATION OF ELIGIBLE LISTS

The duration of each eligible list, and the names appearing thereon, shall be for twelve months. The Personnel Director may extend such period before the expiration of the list, in increments of six-month extension periods. No list shall be extended to a time more than two years from the original establishment of the list, and a statement of the reasons for any extension shall be entered in the records of the Personnel Division.

7.04 RE-EMPLOYMENT LISTS

Regular full-time employees who have been involuntarily separated from the Merit System service without fault or delinquency on their part may have their names placed on a re-employment list for the same class held at the time of separation. The name of such employees shall be placed upon the list in the order determined by the Personnel Director after considering merit rating and total continuous time served in the class. Such employees shall be eligible for re-employment for a period of one year from the date of separation.

7.05 REMOVAL OF NAMES FROM LISTS

The Personnel Director may at any time remove the name of an eligible from a list for any of following causes:

- A. Refusal of an offer of appointment under conditions previously listed by the eligible as acceptable.
- B. Filing of a statement by the eligible of unwillingness to accept appointment. Any eligible may renew eligibility by filing a new statement as to the time, place, or other conditions under which appointment will be accepted.
- C. Failure to respond, within the time period specified in the notice, to any inquiry of the Personnel Director or department head, if satisfactory evidence is not furnished justifying such failure to respond.
- D. Notice by postal authorities of their inability to locate the eligible at last known address.
- E. Failure to report to work after accepting an appointment.
- F. Appointment through certification from such lists to fill a permanent position.
- G. Appointment through certification from the eligible list for another class at the same or higher compensation. In such case, at the request of the appointee, the name may be continued on, or restored to, any or all lists other than the one from which the appointment was made, for the remainder of the period of eligibility on such lists.
- H. In the case of promotional lists upon separation, other than layoff from the City Service.
- I. In any case where the Personnel Director finds that an eligible is or has in any manner become disqualified for the class for which listed, in accordance with provisions of these rules.
- J. In an open-competitive eligible list, with the approval of the City Manager, when the eligible has been certified for appointment and has been passed over for such appointment three times.

7.06 RESTORATION OF NAMES TO ELIGIBLE LISTS

Whenever any person's name is removed from an eligible list for any one or more of the causes mentioned in the preceding section, notification shall be immediate unless whereabouts are unknown. Such person may, within five days from the date of removal, make written request to the Personnel Director for the restoration to such list for the duration of eligibility. The request shall set forth the reasons for the conduct resulting in the removal of the name from the list and shall further specify the reasons advanced for restoration of the name. The Personnel Director, after full consideration of the request, may restore the name to the list or may refuse such request; the person shall be notified of the action.

CERTIFICATION AND APPOINTMENT

SECTION 8

It is the policy of the city that selection of applicants for positions be made from names certified to the department. The Personnel Director is responsible for certifying names from established lists; however, due consideration will be given to recommendations by department heads for selective certification based on necessary or desirable positions. Due consideration shall also be given to requests by departments for certification of additional applicants. The department head is responsible for interviewing and recommending appointments of eligible applicants. While recognizing the importance of improvisory interviews, the city expects department heads to be totally prepared and to concentrate only on job requirements and the candidate's ability to meet them. Department heads must avoid potentially discriminatory inquiries and unintended promises to applicants.

8.01 PROCEDURE FOR FILLING VACANCIES

All vacancies in the classified service shall be filled by original appointment, promotional appointment, provisional appointment, re-employment, re-instatement, transfer, or demotion.

Whenever a vacancy is to be filled, the department head shall make a requisition to the Personnel Director for appropriate eligibles. Requisitions shall be made on the forms provided by the Personnel Director.

If the position is permanent, the Personnel Director shall certify to the department head the proper number of names from the appropriate list or authorize some other kind of appointment as provided in these rules.

8.02 ORDER OF LISTS FOR CERTIFICATION

Certification shall be made from existing lists.

1. Re-employment Lists or Re-instatement Lists
2. Promotional Lists or Open-competitive Lists

8.03 CERTIFICATION FROM THE LIST

Amended by Ord # 2005-28

Upon receipt of a valid requisition for an eligible to fill a vacancy, the Personnel Director shall certify to the requesting department head the names of the eligibles on the list for the class who qualify under the "Rule of Three Scores" and who have indicated a willingness to accept appointment.

The "Rule of Three Scores" provides that the names associated with the three highest scores determined by Section 6.08D and Section 7.01 shall be certified to the vacancy; the names within the next highest scores being certified for each additional vacancy, provided however, that fewer may be certified when there is not the required number on the list.

In the case of insufficient scores on a promotional list, the Personnel Director may augment those scores by a sufficient number from the appropriate employment list in order to

ORDINANCE NO. 2005-28

AN ORDINANCE TO AMEND SECTION 8.03 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

Be it ordained by the City Council of the City of Phenix City, Alabama:

That the Merit System Rules and Regulations of the City of Phenix City, Alabama, Section 8.03 is hereby amended as follows:

8.03 CERTIFICATION FROM THE LIST

Upon receipt of a valid requisition for an eligible to fill a vacancy, the Personnel Director shall certify to the requesting department head the names of the eligibles on the list for the class who qualify under the "Rule of Ten Scores" and who have indicated a willingness to accept appointment.

The "Rule of Ten Scores" provides that the names associated with the ten highest scores determined by Section 6.08D and Section 7.01 shall be certified to the vacancy; the names within the next highest scores being certified for each additional vacancy, provided however, that fewer may be certified when there is not the required number on the list.

In the case of insufficient scores on a promotional list, the Personnel Director may augment those scores by a sufficient number from the appropriate employment list in order to make a complete certification. The department head shall select from the eligibles certified to him the number of persons required for the vacancies to be filled, subject to the approval of the City Manager.

For lists on which eligibles are entered with adjective ratings, the Personnel Director may certify all eligibles having the same adjective rating.

All ordinance or parts of Ordinance in conflict herewith are hereby repealed by this Ordinance.

PASSED, APPROVED and ADOPTED this 20th day of September, 2005.

[Signature]
MAYOR

[Signature]
CITY CLERK

[Signature]
CITY CLERK

[Signature]
CITY CLERK

ATTEST:

[Signature]
CITY CLERK

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MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

make a complete certification. The department head shall select from the eligibles certified to him the number of persons required for the vacancies to be filled, subject to the approval of the City Manager.

For lists on which eligibles are entered with adjective ratings, the Personnel Director may certify all eligibles having the same adjective rating.

8.04 INCOMPLETE CERTIFICATION

When the number of names (irrespective of the number of scores) available for filling any vacancy is fewer than three, the department head may decline to select for that vacancy and request that a new list be established; in the interim, the vacancy may be filled by provisional appointment or by any other manner provided by these rules.

8.05 SELECTIVE CERTIFICATION

- A. In requesting certification, a department head may specify necessary or desirable qualifications of candidates for appointment to the position. If the Personnel Director determines the position warrants such certification, then the Personnel Director may certify from the proper eligible list only those persons having such qualifications.
- B. The Personnel Director shall disapprove requests for selective certification that appear to be made for the purpose of reaching a certain eligible or for the purpose of otherwise circumventing the spirit and intent of the Merit System rules.

8.06 APPROPRIATE ALTERNATE ELIGIBLE LISTS

Certification shall ordinarily be made from a list established for the particular class in which the vacancy exists. If no such list exists or if the list contains an insufficient number of eligibles for certification purposes, the Personnel Director may certify names from an appropriate alternate eligible list. Such a list shall be for a class of the same or higher pay level with the qualification requirements equal to or superior to the class in which the vacancy exists.

8.07 CONSIDERATION OF ELIGIBLES

A department head may wish to remove from consideration an eligible who, though certified among the top three scores, has not been selected for vacancies in that department on three separate occasions; the department head retains the option of reconsidering that eligible. A department head may request that an eligible to whom he has given three considerations for vacancies of a certain class and level, not be certified to him/her again. If the Personnel Director is satisfied with the reasons for such request, certification of the eligible may be withheld from future certifications for such vacancies to that department head.

8.08 NOTICE OF CERTIFICATION TO THE ELIGIBLE

Whenever the name of an eligible is certified, the eligible shall be given notice of such certification. Such notice shall state the time limit within which the eligible must report for interview.

8.09 WAIVER OF CERTIFICATION

Eligibles may waive certification by filing reasons satisfactory to the Personnel Director. Waivers must be filed with the Personnel Director within five days from the date of notification of certification; the eligible shall not be re-certified until the waiver has been withdrawn by written request. Failure to execute a satisfactory waiver or to report for an interview within the time indicated shall be deemed sufficient cause for removing the name of such eligible from the list.

8.10 TEMPORARY APPOINTMENTS

Temporary appointments for short-term employment in positions that will not continue longer than ninety days in any twelve-month period shall be made from eligible lists, if such lists exist. If no lists exist or if certification from such lists is impractical because of non-availability of eligibles for temporary work, the Personnel Director may authorize the department head to select a person subject to approval of the City Manager. Acceptance of such appointment by an eligible shall not affect standing on the list for permanent appointment.

8.11 EMERGENCY APPOINTMENT

When an emergency makes it impossible to fill a position in the Competitive Service by the normal procedure, the City Manager may appoint or authorize appointment for any qualified person to such position in order to prevent stoppage of public business, loss, or serious inconvenience to the public. Any such person shall be employed only during the period of such emergency and for a period not to exceed 30 days in any twelve-month period. A vacancy for which the department head has had a reasonable notice or an employment condition for which the department head should have had previous knowledge shall not be considered an emergency under this section.

8.12 PROVISIONAL APPOINTMENTS

- A. Whenever there are urgent reasons for filling a regular position in a class for which appropriate lists or the required number of eligibles are not then available, the Personnel Director may authorize the vacancy to be filled by a provisional appointment.
- B. Preference for a provisional appointment shall be given first to the persons whose names are on appropriate lists; second, to persons in the City Service whom the Personnel Director finds to be qualified; third, to persons who have applied for appointment as regular employees and whom the Personnel Director finds to be qualified.
- C. In no event shall the provisional appointment continue for more than ninety calendar days in any twelve-month period.

8.13 LIMITED TERM APPOINTMENTS

Vacancies created by a military leave of absence or other authorized leave of absence without pay, or positions funded in whole or part by federal grants, shall be filled by a limited term appointment by certification from an eligible list in the same manner as used for other appointments. A person holding a limited term appointment shall be terminated when the person replaced returns to the position or when the termination of the grant results in the abolition of the position. Transfers from limited terms to permanent status can be made. If the person being replaced by the limited term appointment fails to return after the termination of authorized leave, the resulting vacancy shall be filled in the same manner as other vacancies. Except for

permanent status, employees holding limited term appointments shall have the same rights and privileges as permanent employees.

8.14 PART-TIME POSITIONS

The Personnel Director may authorize the filling of authorized part-time positions involving less than a full work week without regard to the other provisions relative to certification included in these rules; certification is required from the Finance Department to ensure availability of funds. Persons employed under such conditions shall not achieve permanent status.

8.15 APPOINTMENT TO UNSKILLED POSITIONS

With authorization by the City Manager, a department head may fill unskilled labor positions with persons meeting the approved standard. Applicants must pass any required tests prescribed by the Personnel Director.

PROBATIONARY PERIOD

SECTION 9

It is the policy of the city to provide a probationary period in which the new employee can adjust and adapt, both personally and in terms of learning the job requirements and work rules. Additionally, the probationary period will provide a formal mechanism for review of a new employee's performance to point out both strengths and weaknesses. The Personnel Director is responsible for developing and obtaining approval for probationary procedures and length of probation period and for determining which employees are subject to this policy. Department heads and supervisors are responsible for monitoring the performance of new employees, helping employees learn their jobs, and holding probationary reviews. Continued employment depends on satisfactory completion of the probationary period.

9.01 DURATION

Amendment follows 2006-13

The probationary period shall be twelve months in duration for all classes unless the Personnel Board determines that a longer probationary period would be appropriate. In no case shall the probationary period exceed one year.

9.02 DEPARTMENT HEAD RESPONSIBILITIES

Each department head is responsible for monitoring the performance of probationary employees, helping each employee learn job duties, and ensuring understanding of work rules and regulations. A performance review consistent with the appraisal given to non-probationary employees shall be conducted after six months; strengths and weaknesses shall be addressed. Copies of this appraisal shall be filed with the appropriate department and with the Personnel Office.

9.03 DISMISSAL OR DEMOTION DURING PROBATIONARY PERIOD

- A. At any time during the probationary period, a department head, with approval of the Personnel Director, may remove an employee if the working test indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily or that work habits or lack of dependability do not merit continuance with the Merit System. Upon such removal, the appointing department head shall report such action and contributing reasons to the Personnel Director and to the employee removed.
- B. A probationary employee who commits an offense which is considered cause for disciplinary action may be dismissed without prior notice.
- C. A probationary employee who is found to have been appointed through fraud shall be removed upon notification to this effect by the Personnel Director to the department head and the employee.
- D. A department head, subject to the approval of the Personnel Director and City Manager, may demote an employee to a lower class position during the

ORDINANCE NO. 2006-13

AN ORDINANCE TO AMEND SECTION 9.01 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

Be it ordained by the City Council of the City of Phenix City, Alabama:

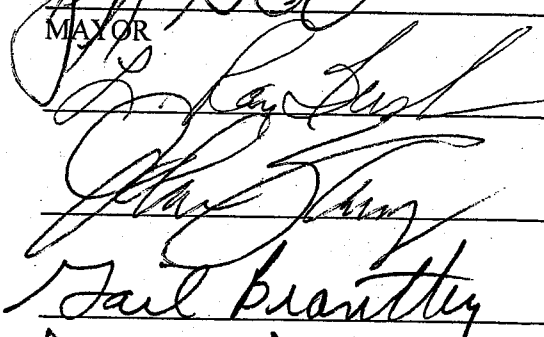
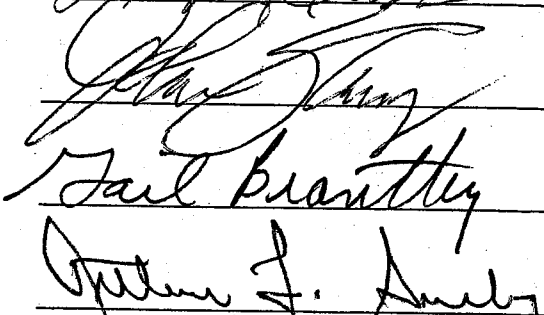
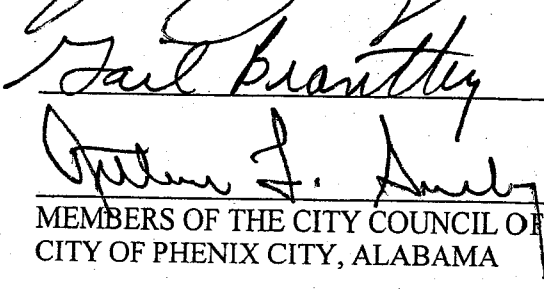
That the Merit System Rules and Regulations of the City of Phenix City, Alabama, Section 9.01 is hereby amended as follows:

9.01 DURATION

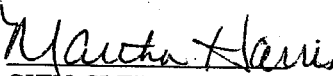
The probationary period shall be twelve months in duration for all classes with exception to police officers, firefighters and code enforcement officers. Due to the length of the required certification programs for police officers, firefighters and code enforcement officers the probationary period for new hires shall be eighteen months. The probationary period for promotions shall be twelve months.

PASSED, APPROVED and ADOPTED this 18th day of April, 2006.


MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

probationary period. Any employee so demoted shall begin a new probationary period.

- E. There shall be no right of appeal from adverse action taken against an employee during the probationary period.

9.04 COMPLETION OF PROBATIONARY PERIOD

Upon completion of the probationary period, employees become eligible for a merit increase, subject to availability of funds as approved by City Council.

9.05 PROMOTIONS: PROBATIONARY PERIOD

A trial period (12 months) shall be used in connection with promotions in the same manner as a probationary period is used for original entrance appointments. A person who is promoted and subsequently removed during the probationary period for failure to perform satisfactorily shall be entitled to return to his or her former or equivalent position and rate of pay in a non-probationary status.

PROMOTIONS, TRANSFERS, DEMOTIONS, AND REINSTATEMENTS**SECTION 10**

It is the policy of the city to allow employees to bid for promotions and transfers in accordance with policies and procedures established in Sections 7 and 8. The Personnel Director is responsible for developing and obtaining approval for procedures which include consideration for reinstatement of former employees. For the purposes of this policy, the term "demotion" means a request by an employee for assignment to a position in a lower classification.

10.01 PROMOTIONS

The Personnel Director shall conduct competitive promotional examinations and establish eligible lists in the manner provided in Section 6.10 of these rules and regulations.

Certification for promotion from a competitive promotion list shall be in accordance with the provisions of Section 8 of these rules and regulations. In competitive promotional examinations, the Personnel Director shall admit to examination all Merit System employees who meet the published qualification requirements. In unassembled examinations, appropriate rating schedules may be established which may credit as appropriate the experience, training, and supervisor's rating of the applicants.

10.02 TRANSFERS: INTRA-DEPARTMENTAL

The appropriate department head may, at any time, transfer an employee in the Merit System from one position to another in the same budget account. An intra-departmental transfer to a position of another class shall be made only in accordance with the provisions of these rules.

10.03 TRANSFERS: INTER-DEPARTMENTAL

A transfer of an employee from one budget account to another must have the approval of the department heads concerned, the Personnel Director, and the City Manager. Requests for such transfers shall show how the employee concerned meets the qualification requirements of the class to which the transfer is proposed.

10.04 DEMOTIONS: VOLUNTARY

An employee may be demoted by own request to a position in a lower class, subject to the approval of the Personnel Director and the department head concerned. The Personnel Director shall determine whether the employee is qualified to perform the duties and responsibilities of the lower class position.

10.05 REINSTATEMENTS

Vacancies may be filled by the non-competitive reinstatement of certain former Merit System employees. A former Merit System employee may be reinstated under the following conditions:

- A. Reinstatement is a privilege of the department head and not a former employee's right.
- B. The employee satisfactorily completed a probationary period.
- C. The employee was separated without delinquency or misconduct and with findings of department head confirming eligibility for re-employment.
- D. The employee's period of eligibility for reinstatement shall be one year from the date of original separation from the City Service.
- E. A reinstatement to the same department and to the same class from which the employee was separated requires certification in accordance with Section 8 of these rules.
- F. If a department head proposes to reinstate a former Merit System employee to a position in a department other than that from which separated or in a position of a different class from which separated, certification shall be made in accordance with Section 8 of these rules.
- G. The salary assigned to the reinstated employee shall be recommended by the department head to the City Manager and will fall at a step within the salary range assigned to the class of the proposed position.

PERFORMANCE APPRAISAL

SECTION 11

It is the policy of the city to appraise the job performance of city employees. The primary objective of performance rating is developmental; however, ratings will be also used in administrative decisions regarding promotion, pay adjustments, lay-offs and dismissals. The Personnel Director is responsible for developing and obtaining approval for a performance appraisal process which measures the performance of critical and important work behaviors, meets legal requirements, provides for rating under standardized and controlled conditions, and provides a means by which employees can appeal ratings. The Personnel Director is responsible for training raters and administering the performance appraisal process. Department heads and supervisors are responsible for adhering to procedures, setting performance expectations, counseling employees and rating performance in a fair and consistent manner.

11.01 PERIOD OF APPRAISAL

On original appointments or promotions, all employees, except temporary or part-time workers, shall be appraised prior to the anniversary date of the employee.

An employee shall not be eligible for a pay raise until the performance appraisal form has been completely processed. Upon receipt from the Personnel Division, it shall be the responsibility of the department head to submit the performance appraisal when due.

11.02 INFORMAL FEEDBACK

It shall be the responsibility of the department head or immediate supervisor to provide informal, day-to-day feedback to employees on performance of job duties. Employees shall have opportunities for clarification of duties and feedback on any performance problems during the period leading up to their annual appraisal.

11.03 REVIEW WITH THE EMPLOYEE

The rater shall discuss each performance appraisal with the employee being appraised. Employees must sign the appraisal form stating that the appraisal was jointly reviewed. Employees who disagree with statements in the appraisal may submit written notification of specific disagreements within ten days following the appraisal conference. This statement will be attached to the appraisal and forwarded through supervisory lines to the department head. The department head will review the information and make a decision after consultation with the Personnel Director.

11.04 PERFORMANCE APPRAISAL CONFIDENTIALITY

Performance appraisals shall be confidential and shall be made available only as needed to the employee appraised, supervisor, division or department head, the Personnel Director, the Personnel Board, and/or the City Manager.

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NON-DISCIPLINARY SEPARATIONS

SECTION 12

It is the policy of the city that the employment relationship be maintained such that employees are motivated, productive, and loyal and that the city provides a satisfactory workplace where employees are treated fairly and compensated adequately. It is recognized, however, that employees may wish to leave their employment or that it may become necessary for the city to lay off employees. The Personnel Director is responsible for developing and obtaining approval for procedures for employees to retire or resign in good standing. The Personnel Director is responsible for developing and obtaining approval for procedures to be followed for reductions in force. Such procedures shall consider length of service, time in grade, and job performance. The Personnel Director is also responsible for determining why good employees leave city service and for presenting proposed solutions.

12.01 RESIGNATIONS

To resign in good standing an employee shall give at least two weeks prior notice to the supervisor. Failure to comply with this rule shall be entered on the service record of the employee and shall result in the reduction of accumulated annual leave by one day for each calendar day less than the required two-week notice. Such a penalty may be removed by the department head, with the approval of the City Manager, if the circumstances are judged to be exceptional.

12.02 REDUCTION IN FORCE (LAY OFF)

- A. When it becomes necessary to reduce a class of employees in a department or division because of lack of funds, shortage of work, or the abolition of a position due to changes in organization or other causes, employees shall be laid off on the basis of the following three factors to be weighed equally: length of service in a class, length of service with the city, and the performance appraisals for the last three years of service (or for the entire period if the employee has been employed for less than three years). All temporary, provisional, limited term, and probationary employees shall be separated before any permanent employees are reduced.
- B. A Retention or Re-employment List shall be established for permanent employees of each affected class with employees ranked according to their scores as determined by the provisions of Paragraph A of this section. In case of tied ratings, preference shall be given first to length of service in a class, second to length of service with the city, and third to the performance appraisal. Selections for the reduction from the affected class shall be made in inverse order of the standing of the employees on the retention register.
- C. When a department head believes that a certain permanent employee is essential to the efficient operation of the department or to the organization unit because of special skills or abilities, and the wish is to retain this individual in preference to a person with a higher rating as provided above, a written request must be submitted to the Personnel Director for permission to do so. This request must set

forth in detail the specific skills and abilities possessed by the individual and the reasons why such an individual is essential to the effective operation of the department or the organization unit. If the Personnel Director approves the request, the individual may be retained.

- D. A permanent employee scheduled to be laid off shall be offered a transfer or demotion to a lower class if he/she has preference over an employee in that class, in accordance with Paragraph A of this section, and if fully qualified for the position occupied by the employee over whom he/she has preference.
- E. Prior to a reduction in force, the name and job titles of any and all permanent employees scheduled for reduction shall be submitted to the Personnel Division for approval; no reduction shall be consummated until the City Manager has confirmed the names submitted for reduction.
- F. Permanent employees shall be notified of the impending reduction in writing by their department head at least fourteen calendar days prior to the effective date of the reduction.

12.03 DISABILITY

Under consultation with the Personnel Director, a department head may request that an employee be examined by a physician designated by the city. If a condition or disability is discovered which impairs the effectiveness of an employee or makes his continuance on the job a danger to himself or others, the following action shall be taken.

- A. If the disability is correctable, the employee shall be allowed a specified time to have it corrected. If steps are not taken to have the disability corrected within the specified time allowed by the physician, the employee shall be subject to dismissal.
- B. If, in the opinion of the examining physician, the disability cannot be corrected, the appointing authority shall:

Make reasonable accommodations to the workplace environment and/or to the assignment of duties to ensure that the employee can perform the essential duties of the position.

OR

Attempt to place the employee in another position in which performance can be satisfactory. If that step cannot be accomplished successfully, the appointing authority shall take steps to separate the employee from the city service either through retirement or dismissal.

12.04 RETIREMENT

The mandatory retirement age for sworn law enforcement personnel and fire service personnel and any other groups for which there may be special retirement plans shall be in accordance with the terms of such plans. Employee benefits upon retirement shall be based upon the regulations of the retirement system which may be in effect at the time.

12.05 EXIT INTERVIEWS

It shall be the policy of the Merit System to determine why good employees leave the city service. An exit interview program shall be established by the Personnel Director for the purpose of determining the causes and possible solutions of turnover among city personnel.

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TRAINING AND DEVELOPMENT

SECTION 13

It is the policy of the city that orientation, training, and development programs shall be in place to ensure adequate performance of position duties, satisfaction with City Service, and advancement through various career paths. The Personnel Director shall be responsible for the orientation to City Service and shall direct through department heads subsequent training and development programs.

13.01 ORIENTATION TO CITY SERVICE

The Personnel Director shall establish an employee orientation to City Service which shall be mandatory for all new city employees. This orientation shall include the philosophy of City Service, work rules and regulations, and information on benefits and compensation.

13.02 POSITION ORIENTATION AND TRAINING

The appropriate department head shall be responsible for the orientation of new employee to the specific responsibilities of their positions; this may be delegated to the employees' immediate supervisors.

During the probationary period new employees shall be closely monitored to ensure that requisite skills are being acquired and that any questions or mistakes are clarified. Needed skills training shall be arranged by the immediate supervisor or department head during this probationary period.

13.03 EMPLOYEE DEVELOPMENT PROGRAM

The Personnel Director shall:

- A. Recommend to department heads, as appropriate, standards for training programs and specific programs which meet such standards.
- B. Ensure that the training is carried out as approved and prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs.
- C. Assist department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.
- D. Develop and conduct supervisory and management training and other types of training/development programs common to all departments.
- E. Assist department heads in establishing standards or performance and procedures for evaluating employee efficiency.

CODE OF CONDUCT AND DISCIPLINARY ACTION

SECTION 14

It is the policy of the city to treat employees with respect and understanding on the basis that the vast majority are well intentioned and productive. Thus the best discipline is self discipline. It is recognized, however, that the city must on occasions take steps to correct improper behavior and/or improve poor job performance. Thus a code of conduct will be established and a system of progressive discipline will be developed and implemented. The primary focus of employee discipline is correction of problems; however the city may discharge employees for the first offense if the offense is serious, if less serious rule infractions persist, or if performance is not brought up to standard.

It is also the policy of the city to allow employees who have a complaint pertaining to supervisors, co-employees or employment conditions to be heard through a formal grievance procedure. The primary focus of the grievance procedure shall be to determine what is right rather than who is right. Grievances should be resolved at the lowest possible level; moreover the line of authority and responsibility is central to the administrative philosophy of the operation of city government. Therefore the supervisory chain of command will normally be utilized in the grievance process. Where the issue sexual harassment is involved, however, the process will be in compliance with all laws and regulations and may by-pass supervisory channels.

14.01 PURPOSE

These procedures are not intended to restrict or impose on the privileges of anyone, but are designed to insure the rights and safety of all city employees and to provide working guidelines to assure equitable and businesslike departments to efficiently serve the community.

14.02 NO LIMITATIONS

In recognition of the fact that each instance differs in many respects from somewhat similar situations, the city retains the right to treat each occurrence on an individual basis and without creating a precedent for the other cases which may arise in the future. The city retains the right to suspend any disciplinary action which it may take, during good behavior for a specified term, at its exclusive discretion. Examples given in any rule do not limit the generality of the rule. The following rules and regulations are not to be construed as a limitation upon the retained rights of the city, but merely a guide. The rules and regulations provide recommended standard penalties to apply for specific offenses. This means that a less severe penalty may be imposed based on the circumstances of the case.

14.03 AUTHORITY AND PROCEDURE FOR DISCIPLINARY ACTIONS

Removals, suspensions and demotions for cause are effected by department heads or division heads to whom they have delegated authority to take such actions or by the City Manager.

- A. Whenever the department head or division head to whom authority has been delegated, determines that there are reasons for the dismissal, suspension, or demotion of a regular employee under their supervision in the Classified Service,